

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture is proposing to take the action described in the Informative Digest.

A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **on or before August 12, 2002.**

Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and References: Pursuant to the authority vested by section 407 and 9101 of the Food and Agricultural Code, and to implement, interpret or make specific section 9101 of said Code, the Department of Food and Agriculture is considering changes to Division 2, Chapter 2, Article 9, of Title 3 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Food and Agriculture Code section 9101 requires the Department to establish procedures for selecting the “conditions” that pose or may pose significant threats to the public health, animal health, the environment, and the food supply, which are required to be reported to the Department, and the method of preparation and publication for the List of Reportable Conditions for Animals and Animal Products.

The term “conditions” refers to any illness, disease, infection, pathogen, contagion, toxin, bacteria, virus, prion, or any other material or factors affecting a population of animals or animal product. Though the conditions may differ, each presents substantial risk to public and animal health, the environment, and the food supply.

Existing section 796 lists only those animal and poultry “diseases” required to be reported to the Department and their reporting timeframes. Section 796 does not reflect emerging animal and poultry diseases, address food safety, public health or environmental conditions, and does not allow for the ability to modify the diseases (conditions) and their timeframes for reporting to the Department.

This proposal adds new section 797 to allow the Department the flexibility to add emerging “conditions” and give a higher or lower priority to other conditions as situations occur.

FISCAL IMPACT STATEMENTS

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Department of Food and Agriculture has made an initial determination that the proposed regulatory action would not have significant adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New businesses: The Department of Food and Agriculture has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Private Persons or Entities: The Department of Food and Agriculture is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Department of Food and Agriculture has determined that the proposed regulation would affect small businesses. However, there is no negative impact upon businesses because no fees or reporting forms are required by this proposal. It relates to specified information that is to be reported to the Department.

CONSIDERATION OF ALTERNATIVES

The Department of Food and Agriculture must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing (if a hearing is requested) or during the public comment period.

INITIAL STATEMENT OF REASONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing (if a hearing is requested) or during the public comment period upon request from the Department of Food and Agriculture, 1220 N Street, Room A-114, Sacramento, CA 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

CONTACT PERSON

Inquires concerning the substance of the proposed regulations are to be addressed to the following:

Name:	Thami Rodgers, Associate Analyst
Address:	Department of Food and Agriculture Animal Health and Food Safety Services 1220 N Street, Room A-114 Sacramento, CA 95814
Telephone No.:	(916) 698-3276
Fax No.:	(916) 653-4249
E-mail address:	trodgers@cdfa.ca.gov

The backup contact person is:

Name:	Nancy Grillo, Associate Analyst
Address:	Department of Food and Agriculture Animal Health and Food Safety Services 1220 N Street, Room A-114 Sacramento, CA 95814
Telephone No.:	(916) 651-7280
Fax No.:	(916) 653-4249
E-mail address:	ngrillo@cdfa.ca.gov

Written comments, facsimiles or e-mails regarding this proposal are to be addressed to the following:

Name: Thami Rodgers, Associate Analyst
Address: Department of Food and Agriculture
Animal Health and Food Safety Services
1220 N Street, Room A-114
Sacramento, CA 95814
Telephone No.: (916) 698-3276
Fax No.: (916) 653-4249
E-mail address: trodgers@cdfa.ca.gov

Website Access:

Materials regarding this proposal can be found at <http://www.cdfa.ca.gov>